

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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| U.S. BANK NATIONAL ASSOCIATION, | : | Case No. 1:18-cv-485 |
| Plaintiff, | : | |
| | : | Judge Timothy S. Black |
| | : | |
| vs. | : | Magistrate Judge Karen L. Litkovitz |
| | : | |
| ROBERT SCOTT MERUSI, <i>et al.</i> , | : | |
| Defendants. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 5)**

This case is before the Court pursuant to the Order of General Reference to United State Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and, on July 25, 2018, submitted a Report and Recommendation. (Doc. 5). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly:

1. The Report and Recommendation (Doc. 5) is **ADOPTED**;
2. Mr. Merusi's petition for removal of a state court action to this federal court is **DENIED**;
3. This action is **REMANDED** to the state court from which it was removed;

4. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket in this Court; and
5. Pursuant to 28 U.S.C. § 1915(a), an appeal of this Order would not be taken in good faith and therefore Mr. Merusi is denied leave to appeal *in forma pauperis*. Mr. Merusi may apply to proceed *in forma pauperis* in the Court of Appeals.

IT IS SO ORDERED.

Date: 11/21/18

s/ Timothy S. Black
Timothy S. Black
United States District Judge